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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/282,450 03/31/99 KAWAI

H 990295

EXAMINER

MM91/0201

ARMSTRONG, WESTERMAN, HATTORI,
MCLELAND & NAUGHTON
1725 K STREET, N.W.
SUITE 1000
WASHINGTON DC 20006

LEE, D	
ART UNIT	PAPER NUMBER

2876
DATE MAILED:

02/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/282,450

Applicant(s)

KAWAI et al.

Examiner

Diane Lee

Group Art Unit

2876



☒ Responsive to communication(s) filed on Dec 6, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 06 December 2000.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsuya [JP-9-128,648-cited by the applicant].

Re claims 1-2, 4, and 9: Tatsuya discloses a commodity information management system for managing commodity as well as security thereon based on a bar code 11 and a tag 12 attached to the commodity, the system comprising:

a bar code scanner 15 as a reader for reading the bar code 11 (see figure 1);

upon successful reading of the bar code, a reading recognition light emitting part 19 provided at the bar code reader as a deactivating section-drive signal for driving a deactivating section (see figure 1);

a reading recognition light receiving part 20 as a deactivator for deactivating the tag after the bar code is read by the reader (see the abstract and figures 1-6);

1 an object sensor as a detector provided for detecting the affectivity of the tag, i.e., detecting the magnetism of
2 the tag (see the abstract and figures 1, 4);

3 a buzzer 27 for notifying an operator for a successful reading process which is the detection result by the
4 detector.

5 With respect to the specific limitation of "downstream" in the claim (i.e., in light of the amendment which
6 "downstream" being referring to the order of the arrangement of the element), Tatsuya discloses the deactivator provided
7 downstream from the reader due to the fact that the deactivation is performed upon reading of the bar code.

8 Although Tatsuya teaches the detector provided for detecting the tag, he does not discloses that the detector
9 being provided downstream from the deactivator.

10 However, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was
11 made to provide the detector at the downstream side of the deactivator for as an additional validation/verification to
12 determine the proper deactivation of the tag (i.e., utilize the detector at the upstream for reading process and at the
13 downstream side of the deactivation as a validation process to verify/assure that the deactivation of the tag is properly
14 executed) in order validate and/or confirme that the execution of deactivating the tag is properly carried out. Such
15 modification (i.e., assuring a proper deactivation) would eleminate any possible error (i.e., at downstream side of the
16 deactivation) that may caused by incorrect deactivation of tag including the process of releasing the lock of locking
17 mechanism in the door.

18 Re claim 3: a reading recognition light emitting part 19 emitting the visual light by the light luminescent
19 element in the reader also serves as the additional notification unit (see the abstract and figure 1);

20 Re claims 5-6: wherein commodity system 2 having a terminal 3 which automatically receives the information
21 electronically via reporting unit (i.e., the communicator 18) serves as a host terminal for controlling the operation of the
22 entire system (see figures 1 and 4).

23 Re claims 7-8: Tatsuya discloses the system having a control unit 21 that determines the deactivation of the tag
24 according to the detection result (see figures 4, 6). When it is determined that the tag has not been deactivated in
25 predetermined period of time (which is set by the timer in the system), a recheck is made by the CPU. Tatsuya further

1 teaches that the buzzer 30 connected to the CPU is used as a warning device which serves the claimed limitation of
2 making/providing a report.
3

4 *Response to Arguments*

5 4. Applicant's arguments filed 12/19/2000 have been fully considered but they are not persuasive.

6 5. In response to applicant's remark on page 11, lines 15+ that "we fail to see how any element in Tatsuya
7 corresponds to a tag, deactivator or the detector of the present invention" and further stated that Tatsuya fails to disclose
8 a detector which detects magnetism of the tag, the examiner respectfully disagrees. Tatsuya discloses a commodity
9 information management system for managing commodity as well as security thereon based on a bar code 11 and a tag
10 12 attached to the commodity (see the abstract and figure 1). As stated in the rejection (see paragraph no. 3), Tatsuya
11 further discloses the a bar code scanner 15, a reading recognition light emitting part 19 as a deactivating section-drive
12 signal for driving a deactivating section, a reading recognition light receiving part 20 as a deactivator, an object sensor
13 as a detector provided for detecting the affectivity of the tag (i.e., detecting the magnetism of the tag), and a buzzer 27 as
14 a notifying means (see the abstract and figures 1-6).
15

16 *Conclusion*

17 6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.
18 Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of
19 time policy as set forth in 37 CFR 1.136(a).

20 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing
21 date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and
22 the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the
23 shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
24 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory
25 period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Diane I. Lee** whose telephone number is (703) 306-3427. The examiner can normally be reached between the hours of 7:00AM to 4:30PM Monday thru Thursday and every other Friday (first Friday of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



D. Lee
Art Unit 2876
January 25, 2001



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800